

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Petitt v. Exigency Healthcare Services, LLC

Petitt · No. 21-cv-07639-VKD · Decided March 3, 2023

SUMMARY

The United States District Court for the Northern District of California approved a settlement resolving Anietta Petitt’s claims under the Fair Labor Standards Act, California Labor Code, and California’s Private Attorneys General Act. The court found the settlement fair and reasonable, including approximately \$65,000 for Petitt’s individual claims and approximately \$34,000 for PAGA penalties. The court awarded \$48,000 in attorneys’ fees and \$2,805.57 in costs.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Virginia K. DeMarchi
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 3, 2023
DOCKET	21-cv-07639-VKD
DISPOSITION	approved
PROCEDURAL POSTURE	Plaintiff moved for court approval of a settlement resolving her individual FLSA and California Labor Code claims and her representative PAGA claim, as well as for attorneys' fees and costs.
STANDARD OF REVIEW	The court reviewed the proposed FLSA settlement for a fair and reasonable compromise of a bona fide dispute, reviewed the PAGA settlement for fairness, reasonableness, and adequacy in light of PAGA's purposes, and exercised discretion in evaluating attorneys' fees under percentage-of-recovery and lodestar approaches.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown and no published reporter citation appears.

TOPICS

- flsa
- wage and hour
- attorney fees
- costs
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the parties' settlement of Petitt's individual FLSA claims constituted a fair and reasonable compromise of a bona fide dispute.
2. Whether the proposed settlement of Petitt's representative PAGA claims was fair, reasonable, and adequate and should be approved.
3. Whether the requested attorneys' fees and costs were reasonable and adequately supported.

HOLDINGS

1. The court may approve an FLSA settlement when it reflects a fair and reasonable compromise of a bona fide dispute over FLSA provisions, and the settlement here satisfied that standard.
2. The court approved the PAGA settlement because it was fair, reasonable, and adequate in view of the risks of continued litigation and PAGA's purposes of remediating violations, deterring future violations, and maximizing enforcement of California labor laws.
3. The court awarded \$48,000 in attorneys' fees and \$2,805.57 in costs, reducing the requested fee award because the request exceeded the Ninth Circuit's common-fund benchmark and was insufficiently supported.

KEY QUOTATIONS

“If a settlement in an employee FLSA suit reflects a reasonable compromise over issues, the district court may approve the settlement in order to promote the policy of encouraging settlement of litigation.” (at 3)

“An employee bringing a PAGA action does so as the proxy or agent of the state's labor law enforcement agencies, . . . who are the real parties in interest.” (at 5)

“A trial court should evaluate a PAGA settlement to determine whether it is fair, reasonable, and adequate in view of PAGA's purposes to remediate present labor law violations, deter future ones, and to maximize enforcement of state labor laws.” (at 5)

FACTUAL BACKGROUND

Petitt worked as a non-exempt caregiver for defendants, who allegedly classified her and other caregivers as independent contractors. She alleged violations involving overtime, meal and rest periods, timely payment of wages, wage statements, and expense reimbursement under the FLSA and California law, along with representative PAGA penalties. After defendants produced payroll and time records, the parties mediated and agreed to a \$160,000 settlement covering Petitt's individual claims, PAGA penalties, attorneys' fees, costs, and administration expenses.

PROCEDURAL HISTORY

Petitt filed suit on September 29, 2021, alleging that defendants misclassified caregivers as independent contractors and violated federal and California wage-and-hour laws. After discovery and mediation, the parties

reached a \$160,000 settlement and jointly sought court approval. Following a December 20, 2022 hearing and supplemental briefing, the court approved the settlement, awarded \$48,000 in attorneys' fees, and awarded \$2,805.57 in costs.

DISPOSITION

approved

CASES CITED

- *Nen Thio v. Genji, LLC*, 14 F. Supp. 3d 1324, 1333-34 (N.D. Cal. 2014)
- *Barrentine v. Ark.-Best Freight Sys., Inc.*, 450 U.S. 728, 740 (1981)
- *Lynn's Food Stores, Inc. v. U.S. Dep't of Lab.*, 679 F.2d 1350, 1354-55 (11th Cir. 1982)
- *Otey v. CrowdFlower, Inc.*, No. 12-CV-05524-JST, 2015 WL 6091741, at *4 (N.D. Cal. Oct. 16, 2015)
- *Hernandez v. Dutton Ranch Corp.*, No. 19-CV-00817-EMC, 2021 WL 5053476, at *3 (N.D. Cal. Sept. 10, 2021)
- *Selk v. Pioneers Mem'l Healthcare Dist.*, 159 F. Supp. 3d 1164, 1172 (S.D. Cal. 2016)
- *Slavkov v. Fast Water Heater Partners I, LP*, No. 14-cv-04324-JST, 2017 WL 3834873, at *1 (N.D. Cal. July 25, 2017)
- *Estorga v. Santa Clara Valley Transportation Auth.*, No. 16-CV-02668-BLF, 2020 WL 7319356, at *5 (N.D. Cal. Dec. 11, 2020)
- *del Toro Lopez v. Uber Techs., Inc.*, No. 17-CV-06255-YGR, 2018 WL 5982506, at *1, *25 (N.D. Cal. Nov. 14, 2018)
- *Sakkab v. Luxottica Retail N. Am. Inc.*, 803 F.3d 425, 435 (9th Cir. 2015)
- *Eisenacher v. VITAS Hospice Servs. LLC*, No. 20-cv-04948-RS, 2021 WL 1846574, at *2 (N.D. Cal. Apr. 2, 2021)
- *Hanlon v. Chrysler Corp.*, 150 F.3d 1011 (9th Cir. 1998)
- *O'Connor v. Uber Techs.*, 201 F. Supp. 3d 1110, 1132-34 (N.D. Cal. 2016)
- *Moniz v. Adecco USA, Inc.*, 72 Cal. App. 5th 56, 77 (2021)
- *In re Bluetooth Headset Prod. Liab. Litig.*, 654 F.3d 935, 942 (9th Cir. 2011)
- *Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1047 (9th Cir. 2002)
- *Ramirez v. Benito Valley Farms, LLC*, No. 16-CV-04708-LHK, 2017 WL 3670794, at *6 (N.D. Cal. Aug. 25, 2017)